

Claude Albert, Legislative Chair, Connecticut Council on Freedom of Information

In Opposition to Senate Bill 1183, An Act Concerning Inmate Requests for Public Records

Monday, March 21, 2011

Senator Coleman, Representative Fox and Members of the Judiciary Committee:

My name is Claude Albert, and I am the legislative chair of the Connecticut Council on Freedom of Information, an organization committed to furthering government transparency and accountability.

I offer this testimony in opposition to Senate Bill 1183. While there may be some appeal to screening inmate FOI requests to weed out any that are overly broad, frivolous on their face or intended to harass, CCFOI finds this bill vague and potentially costly.

The question this proposal immediately raises is what constitutes "reasonable grounds" for an inmate request. Currently, with the exception of personnel records of corrections employees, access to records—and exemptions to disclosure—apply regardless of who seeks the records or for what reason. This bill begs the question: On what basis would a judge trial referee determine that a request that would be valid coming from any other person is invalid when made by an inmate? The "reasonable grounds" standard would seem to leave room for widely differing interpretations.

The insertion of the judicial branch into the freedom-of-information process at the request stage raises another question: Would a denial of access by the judge trial referee be appealable directly in court? If so, this would open to inmates a new avenue for freedom of information appeals.

The bill also begs the question of how much it will cost to add this extra step to the freedom-of-information process. Certainly there will be costs for the judge trial referees and their support staffs at a time when the Judicial Branch, like the rest of state government, will be stretched for resources.

If some system of pre-screening inmate requests seems desirable, wouldn't the FOIC itself be equipped to best handle it efficiently, based on their knowledge, experience and resources? CCFOI recommends that proponents of this measure work with the FOIC to determine whether some efficient, fair and yet streamlined process can be devised.